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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,246	08/28/2003	Frank Athari	IR-2311 (2-3643)	7190
2352	7590	11/08/2006	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			RUTLAND WALLIS, MICHAEL	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 11/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,246

Applicant(s)

ATHARI, FRANK

Examiner

Michael Rutland-Wallis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/24/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments, filed 08/24/2006, with respect to the rejection of claims 1-9 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 3-6, 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi (U.S. Pat. No. 6,593,751) the applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this

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application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With respect to claim 1 Takahashi teaches a circuit arrangement comprising a power transistor switching stage (rectification circuitry item 14) providing an output voltage (DC bus (+)) and an active EMI filter (item 18) having an input (see inputs connected to line 24 in at least Fig. 3) and an output, the input of the active EMI filter connected to receive (see connection in Fig. 2 and 3) the output voltage of the power transistor switching stage and the output of the active EMI filter providing a filtered output voltage (across the DC bus (+)).

With respect to claim 3 Takahashi teaches the active EMI filter comprises an amplifier stage having two transistors (see Fig. 3) each controlled by a current sensor (item 22), the current sensor sensing the presence of a common mode (col. 2 lines 59 – col. 3 line 13) current to a load (item 26) connected to the active EMI filter, said two transistors having a common connection (see Fig. 3) coupled to an isolating capacitor (not labeled seen connected to wire 24) coupled to a ground line (item 24), the isolating capacitor passing a current to cancel the common mode current in said ground line.

With respect to claim 4 Takahashi teaches wherein the two transistors are complementary (see transistors in fig. 3).

With respect to claim 5 Takahashi teaches the ground line (item 24) connects the load (item 26) and the power transistor switching stage (item 14).

With respect to claim 6 Takahashi teaches the output voltage (DC bus) of the power transistor switching stage is DC.

With respect to claim 9 Takahashi teaches the power transistor switching stage is a converter (rectifier).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over H.E. Weidmann (U.S. Pat. No. 3,541,425) in view of Scharnberg et al. (U.S. Pat. No. 5,446,320)

With respect to claim 1 Weidmann teaches an active filter (item 1) having an input (connection points 4 and 5) and an output (connection points 6 and 7), for the filtering of transient noise and interference (col. 1 lines 40-60) the input of the active EMI filter connected to receive the output voltage of the supply (item 2) and the output of the active EMI filter providing a filtered output voltage (voltage supplied to load through filter item 1). Weidmann teaches a controllable switching stage (item 27) connected to the input of the filter to be controlled to be closed during startup and operation. Weidmann fails to teach the connection of a power transistor switching stage connected to the input of the filter. Scharnberg teaches a power transistor switching stage (details shown in Fig. 3) to be controlled in a similar manner to that of Weidmann. It would have been

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obvious to one of ordinary skill in the art at the time of the invention to modify Weidmann to include a transistor switching stage as seen in Scharnberg in the place of the switching stage of Weidmann in order to provide a remote or electrical control (col. 4 lines 21-34) of the switching stage as seen in Scharnberg.

With respect to claim 6 Weidmann as modified by Scharnberg teach the output voltage of the power transistor switching stage is DC.

With respect to claim 7 Weidmann as modified by Scharnberg teach the use of a supply embodied as a DC supply. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Weidmann as modified by Scharnberg to use an AC source in order to utilize the arrangement with a AC supply.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over H.E. Weidmann (U.S. Pat. No. 3,541,425) in view of Scharnberg et al. (U.S. Pat. No. 5,446,320), in further view of Hugget et al. (U.S. Pat. No. 6,414,866) Weidmann as modified by Scharnberg teach the arrangement on claim 1 however to not teach the inclusion of an inductor and a capacitor. Hugget teaches the inclusion of a passive EMI filter comprising an inductor and a capacitor (items 140 and 142 for example), which is connected to the supply side of the arrangement. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Weidmann as modified by Scharnberg to include the use of a capacitor and an inductor to filter the DC line and provide a clean power signal.

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The above cited prior art and prior art of record do not teach the connection of a active EMI filter connected to the output of a switch mode power supply. At least this further limitation to claim is not taught or rendered obvious by the prior art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rutland-Wallis whose telephone number is 571-272-5921. The examiner can normally be reached on Monday-Thursday 7:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MRW

A handwritten signature in black ink, appearing to be 'A. Vortman', with a long horizontal line extending from the end of the signature towards the right.

**ANATOLY VORTMAN
PRIMARY EXAMINER**